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AUG 14 2006

OFFICE OF PETITIONS

In re Application of
Raymond J. Haka
Application No.: 10/807,769
Filed: March 24, 2004
Attorney Docket No: GP-303526

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: ON PETITION
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This is in response to the petition under 37 CFR 1.137(b) filed June 22, 2006.

The petition is **dismissed as moot**.

The record reflects that final Office action was mailed on December 14, 2005, allowing a shortened statutory period for reply of three months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. On February 7, 2006, a response was filed; an Advisory Action was issued on February 27, 2006, informing applicant that the response of February 7, 2006, failed to place the application in condition for allowance. On March 14, 2006, applicant filed another response; an Advisory Action was issued on June 6, 2006, informing applicant that the response of March 14, 2006, presented new issues. On June 13, 2006, a Request for Continued Examination was filed with an authorization to charge deposit account 07-0960 for the appropriate fee and extension of time if necessary.

It is noted that that final Office action allowed shortened statutory period for reply of three months from its mailing date and permitted extensions of the time set for reply three additional months pursuant to 37 CFR 1.136. The maximum period for reply expired on June 14, 2006. The RCE was received on June 13, 2006, with an authorization to charge a deposit account to the extension of time within the third month to make the RCE timely. The application is not abandoned and there is no remedy that could be provided by the instant petition. The petition is dismissed, accordingly.

Deposit account 07-0960 will be charged \$1,020.00 for the extension of time within the third month.

It is noted that a Notice of Allowance and Issue Fee Due and Notice of Allowability were issued on June 28, 2006. The application file will be directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions